

## PATENT

## REMARKS

Claims 1-18 are pending in the application. Applicants received two office actions directed to Applicants response of 27 August, 2004. One with an action base date of 26 October 2004, and one with an action base date of 10 November, 2004. Based on information provide by the Examiner, Applicants respond to the action base date of 10 November, 2004

Applicants respectfully request reconsideration of the application.

*Claim Rejections – 35 USC § 103*

Claim 1-18 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over Gonno (EP Patent No. 000876023; 4 Nov, 1998) and Mizutani et al. (US PC Publication No. 2003/0043771)

To establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach each or suggest all the claim limitations. "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure". In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Applicants respectfully submit claims 1-18 are not rendered obvious by Gonno and/or Mizutani, for the reasons and explanations set out below. The analysis provided with respect to claim 1 applies equally to claim 10.

With respect to claim 1, Applicants respectfully submit Gonno and Mizutani do not teach, disclose or suggest all the limitations of claim 1. In particular, they do not teach or suggest the following element of claim 1:

"a processor for determining a cumulative number of times that said frame from a multiple of said wireless communication devices was received in error and for ordering a re-transmission of said frame if said cumulative number of times is greater than said predetermined number."

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The Examiner stated, "[n]ot specifically described in detail in GONNO is the step whereby device identification is effected.

However MIZUTANI, in an analogous art, discloses such identifying means...."

Applicants submit Mizutani discloses "[a] wireless hub, connected to the USB bus of a computer, and a wireless port, connected to a USB interface of a peripheral device, are provided, and wireless communication is performed between the two. (Mizutani Abstract, lines 1-4).

Mizutani goes on to state, "[a] specific interference/collision avoidance process is performed for wireless communication. In this embodiment, the wireless hub 3 or the wireless port 5 examines an assigned identifier to specify the identity of a packet sender or recipient, and prevents the reception of a packet originating in another system. For packet collision avoidance, the CSMA/CA method is employed for each transaction." (Mizutani col. 6 ¶ 0064).

Applicants first point out that while Mizutani may be analogous art, the components of a wireless hub and USB connection for a laptop computer or PDA communicating with peripheral devices, although wirelessly, are not typically found in a broadcast communication system as claimed by Applicants.

More importantly, nowhere in Gonno and/or Mizutani is the limitation disclosed, taught or suggested of "a processor for determining a cumulative number of times that said frame from a multiple of said wireless communication devices was received in error and for ordering a re-transmission of said frame if said cumulative number of times is greater than said predetermined number." (Applicants claim 1).

While Mizutani discloses, in ¶ 0064, "the wireless hub 3 or wireless port 5 examines an assigned identifier to specify the identity of a packet sender or recipient", the purpose of this identification is for collision avoidance. Even assuming this assigned identifier could be combined with Gonno, neither Gonno and/or Mizutani discloses, teaches or suggests using the identity of packets and multiple said wireless communication devices of these packets for determining a cumulative number of times the identified packets from the multiple communication devices were received in error to order a re-transmission of the frame if the cumulative number of times is greater than said predetermined number. Art showing a packet can be associated with a packet sender or recipient does not, by itself, teach the limitation as described in claim 1. That is, using the cumulative number of certain identified frames received

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in error from multiple wireless communication devices when the cumulative number of times is greater than a predetermined number the identified frames are ordered for re-transmission. Thus, Gonno and/or Mizutani do not teach or suggest each and every limitation. Therefore, claims 1 and 10 are not anticipated by Gonno and/or Mizutani. Since Claims 2-9 depend on Claim 1 it follows they are also not taught or suggested by Gonno and/or Mizutani, and since Claims 11-18 depend on Claim 10 it follows they are also not taught or suggested by Gonno and/or Mizutani.

For the reasons provided above, Examiners allowance of claims 1-18 is appreciated.

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## REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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